



August 23, 2006

**Subject: The Land Development Ordinance Committee**

The Land Development Ordinance Committee (LDOC) met Wednesday, August 23, 2006, at 4 p.m., in the Council Chamber located at 217 South Main Street, to discuss rewriting Salisbury's ordinance code. In attendance were: Jake Alexander, Karen Alexander, Bill Burgin (Co-chair), George Busby, John Casey, Phil Conrad, Mark Lewis (Co-chair), Brian Miller, Rodney Queen, Johnny Safrit, Jeff Smith, Bill Wagoner, Vic Wallace, Dee Dee Wright, and Diane Young.

Staff received a resignation from the committee from Edward Norvell prior to the meeting.

**Staff Present** – Janet Gapen, Dan Mikkelson, Preston Mitchell, Diana Moghrabi, Joe Morris, David Phillips, Lynn Raker, Patrick Ritchie, John Vest

**Public** – Anne Lyles, and Jack Thomson

**The meeting was called to order** with Bill Burgin, Co-chair, presiding. The minutes of the April 7, 2005, meeting were accepted with revision. The minutes will reflect that the staff members have met continuously each Monday from 2-5 p.m., but the full committee was not reconvened until this date (August 23, 2006). The full committee meeting scheduled for May 5, 2005, did not take place.

Bill Burgin welcomed the committee and guests. Materials were distributed to members that included a schedule (attached), game plan, chapters 1-5, Page 2.44, and chapter summaries. All 18 of the chapters and conversion maps are available on the Web site at <http://www.salisburync.gov/lm&d/lloc/index.html>.

**COMMENTS ON THE PROCESS**

Bill Burgin introduced the new chapters and recapped what had been taking place since April 7, 2005. Staff has diligently worked to produce a document to be presented to the full committee for review. After the review and corrections, the document will be taken to Planning Board and to City Council with a recommendation from the committee; that recommendation is tentatively set for October 5, 2006. A schedule was presented to the committee that can be amended as needed (amended copy attached).

There will not be a call for a quorum; the decision will be made by those who attend. It will be important for members of the committee to do some homework. Individuals will be called upon for their expertise. The consultant has completed the contract and will no longer be present.

Jake Alexander still feels the process of rewriting the ordinance was flawed from the start. He has read some of the chapter and does not agree with much of what he has read. He believes it has been written with technical expertise but not market expertise.

Bill Burgin stated that one of the main objectives of the new ordinance is to allow development to occur administratively. This will make it a faster, more predictable process. Another option is to go through the legislative process. Staff took time to explain the CD (Conditional District). The new ordinance makes it possible to enable the Salisbury Vision 2020 Comprehensive Plan. Staff believes a land-use plan is next; Joe Morris addressed this point. A regulating plan is how you would apply the “transect” on the ground.

“Rezoning” are still a public process. The use matrix indicates whether a use is allowable by right, permitted with extra restrictions, or permitted with a special use permit. A special use permit goes through the City Council. Once a project reaches a certain size, it has to go to City Council. Staff believes it will have to come up with a series of outlines for step-by-step procedures for different styles of development.

Bill Wagoner asked if the cost of staff has been factored into this new ordinance. Mr. Burgin said it has not been evaluated. There is an argument that you would use the same staff more efficiently.

### THE GOTTA HAVES

Preston Mitchell reviewed the list compiled by the committee at the April 7, 2005, meeting. His presentation demonstrated how the code addresses the list.

#### **Streamline Approval Process**

- Depending on Threshold, ability to have full approval at Technical Review Committee (TRC) level
- Predictability
- Reduced discretion with conformance

#### **Allow Vision 2020**

- Mixed-Use Zones
- Architectural Standards
- Higher Residential Densities
- Variety of Street Cross-Sections
- Pedestrian & Bicycle Facilities
- Recreational Open Space

#### **Legislative Option**

- Conditional District
  - Chapter 2, Section 2.23

#### **Protect Edges of Neighborhoods**

- Function of the 2000 Growth Plan and Vision 2020 Comprehensive Plan
  - Inherent conflict between, but 2020 fine tunes ability to have compatible neighborhood edge office/commercial
- New MU zones regulate scale and compatibility of neighborhood edge uses

#### **Reasonable Design Standards**

- Provided in Ordinance
- Discretion of LDOC to determine reasonableness

**Increased Residential Density**

- Although new, no net densities reduced
  - GR: up to 6
  - UR: up to 12
  - RMX: up to 18
- Secondary Dwelling Units

**Infill Protection**

- Protection on both sides of fence:
  - Protection for previously-platted lots from certain regulations
  - Protection for incompatible infill development by requiring re-subdivision comparability based on averages

**Connectivity (Reasonable)**

- Provided in Ordinance
- Discretion of LDOC to determine reasonableness

**Open Space**

- Provided in Ordinance

**Range of Housing**

- Provided in Ordinance:
  - House Type
    - Street or Alley
  - Townhouse Type
  - Apartment
  - Live-Work (Mixed-Use)
  - Secondary Dwelling

**Walkability**

- Requirement for sidewalks
- Variety of Street Cross-Sections
- Connectivity
- Recreational Open Space
- Scale of Mixed-Use development

**Protect Character of Salisbury**

- Requirement for sidewalks
- Architectural Standards
  - Residential & Commercial
- Recreational Open Space
- Environmental Protection
- Lighting, Parking, Landscape Standards
- Scale of Mixed-Use development

**Not “One Size Fits All”**

- Conditional District
  - Chapter 2, Section 2.23

## CHAPTER SUMMARIES

To simplify the new chapters, staffed reviewed the changes by way of a brief summary. This summary compared the new chapters to the old. Joe Morris covered Chapter 1 on the summary sheet that was distributed to members of the committee.

Preston Mitchell presented the summary on Chapter 2. The OSP would be used for conservation areas. Any homes built on it would be built in a rural fashion-the minimum acreage is 20 acres.

The RR zone would replace the A-1 zone; the minimum lot size has been changed to 5 acres. This is called out in the comprehensive plan to try to prevent sprawl in the A-1. There was a discussion and a determination to eliminate “d” of **2.5**, page 2-12. A rural subdivision has to have a minimum of 40 acres.

The general residential has a minimum lot size of 3,000 square feet and the density increased. The UR increased to 8 and 12 units per acre and mixed-use buildings are allowed. The URP is going to grab all the historic districts. You cannot carve up historic homes in the URP for multi-family use. URP is more restrictive but better.

Most retail and residential are removed from industrial land; this is an effort to protect the infrastructure.

There was a lively conversation about Conditional Districts. Preston will add to the CD specific provisions for LI and HI. All mobile home parks have to be a CD.

Bill Wagoner was asked to make a recommendation for page 2-22, lot and dimensional requirements for LI and HI zoned property.

Janet Gapen made maps available for review.

Public comment came from Brooklyn South Square resident Anne Lyles who is interested in the protection of single-family homes in historic districts.

The next LDOC full-committee meeting will be Wednesday, August 30, 2006, at 4 p.m. at The Plaza. The seminar room is on the second floor of 100 West Innes Street. Chapter 3 will be where the committee picks up. Diane Young hopes that the committee can get to the “meat” of the discussion more quickly at the next meeting. Brian Miller asked that questions be addressed toward the end of the meetings in the future.

The meeting was adjourned at 6:30 p.m.

dm

**PROPOSED  
LDO ADOPTION SCHEDULE**

Wednesday, August 23 <sup>rd</sup>	4 PM	Reconvene LDOC / Chapters 1 – 5	City Hall	Council Chamber
Monday August 28 <sup>th</sup>	2 PM	LDOC/ Staff	City Hall	2 <sup>nd</sup> Floor Conference Room
Wednesday, August 30 <sup>th</sup>	4 PM	LDOC / Chapters 6 – 8	The Plaza	Seminar Room
Monday, September 11 <sup>th</sup>	2 PM	LDO/ Staff	City Hall	2 <sup>nd</sup> Floor Conference Room
Wednesday, September 13 <sup>th</sup>	4 PM	LDOC Chapters 9 – 12	City Hall	Council Chamber
Monday, September 18 <sup>th</sup>	2 PM	LDO/ Staff	City Hall	2 <sup>nd</sup> Floor Conference Room
Monday, September 18 <sup>th</sup>	7 PM	<b>PUBLIC FORUM (Map Review)</b>	City Hall	Council Chamber
Monday, September 25 <sup>th</sup>	2 PM	LDO / Staff	City Hall	2 <sup>nd</sup> Floor Conference Room
Thursday, September 28 <sup>th</sup>	4 PM	LDOC / Chapters 13 -14	The Plaza	Seminar Room
Monday, October 2 <sup>nd</sup>	2 PM	LDO / Staff	City Hall	2 <sup>nd</sup> Floor Conference Room
Thursday, October 5 <sup>th</sup>	4 PM	LDOC / Chapters 15 – 18	The Plaza	Seminar Room
Monday October 9 <sup>th</sup>	2 PM	LDO / Staff	City Hall	2 <sup>nd</sup> Floor Conference Room
Monday, October 9 <sup>th</sup>	7 PM	<b>PUBLIC FORUM (Code Review)</b>	City Hall	Council Chamber
Tuesday, October 10 <sup>th</sup>	4 PM	Presentation to Planning Board / Public Hearing	City Hall	Council Chamber
Tuesday, October 24 <sup>th</sup>	4 PM	Planning Board to Consider Recommendation	City Hall	Council Chamber
Tuesday, November 7 <sup>th</sup>	4 PM	Presentation to City Council / Public Hearing	City Hall	Council Chamber
Tuesday, November 21 <sup>st</sup>	4 PM	Council to consider adoption	City Hall	Council Chamber